

**ORDER 1999-87**  
**INDIANA ELECTION COMMISSION**

COUNTY OF MARION	}	SS:	IN RE: POLICY FOR RECEIPT
	}		OF REPORTS BY
STATE OF INDIANA	}		FACSIMILE TRANSMISSION

WHEREAS, pursuant to Indiana Code 3-9-5-7(d), the Indiana Election Commission ("Commission") must adopt an order specifying the policy approved by the Commission for receiving campaign finance reports and statements of organization by facsimile transmission;

NOW, THEREFORE, BE IT ORDERED BY THE INDIANA ELECTION COMMISSION:

**SECTION 1:** The Indiana Election Division ("Division") may accept campaign finance reports and statements of organization of no more than fifteen (15) pages by facsimile transmission. Pursuant to IC 3-5-2-24.5, these reports and statements are considered filed when received by the Division and a staff member of the Division records the date and time the Division received the document. A report or statement sent by facsimile transmission is not considered filed under IC 3-5-2-24.5 until the Division records the date and time the report or statement is received by the Division.

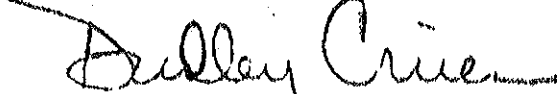
**SECTION 2:** No later than February 1, 2000, the Election Division shall forward a copy of this policy set forth in SECTION 1 to the following:

- (1) Each campaign finance committee open with the Election Division.
- (2) Each circuit court clerk.
- (3) The State Chairman of the Indiana Democratic Party.
- (4) The State Chairman of the Indiana Republican Party.

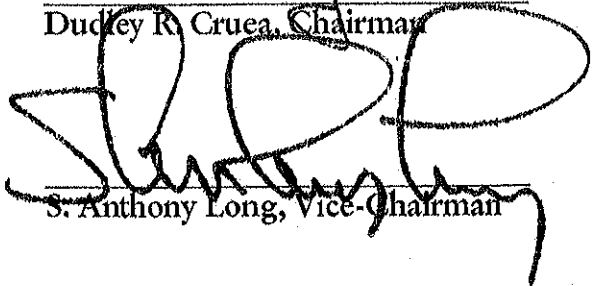
**SECTION 3:** The policy described in SECTION 1 of this Order is effective immediately.

SO ORDERED, THIS 27<sup>TH</sup> DAY OF JANUARY, 2000.

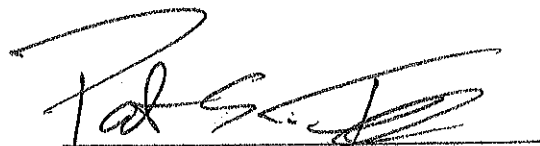
THE INDIANA ELECTION COMMISSION:



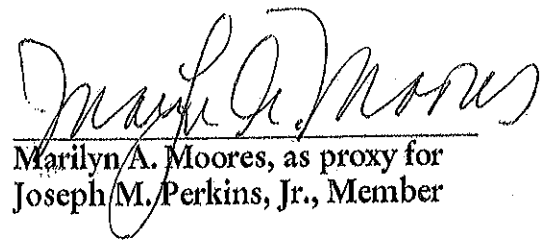
Dudley R. Cruea, Chairman



S. Anthony Long, Vice-Chairman



Butch Morgan, Member



Marilyn A. Moores, as proxy for  
Joseph M. Perkins, Jr., Member

# ADVISORY OPINION 2001-01

## INDIANA ELECTION COMMISSION

### An Order Issuing an Advisory Opinion Concerning Expenditures Permitted under Indiana Code 3-9-3-4 Regarding the Payment of Salaries or Reimbursement of Lost Wages and Expenses to Candidates By a Candidate's Committee

*WHEREAS*, pursuant to Indiana Code 3-6-4.1-14, the Indiana Election Commission is required to administer the election laws of the State of Indiana;

*WHEREAS*, pursuant to Indiana Code 3-6-4.1-25, the Commission is authorized to issue advisory opinions;

*WHEREAS*, the Commission on September 30, 1999 issued Advisory Opinion 1999-01 in response to a complaint filed against a candidate's committee regarding the committee's reimbursement of a candidate for lost wages documented by that candidate;

*WHEREAS*, the Commission has been advised that the Federal Election Commission has addressed related issues in a series of advisory opinions issued by that body, but that the FEC has been unable to reach consensus regarding the application of federal law to all such circumstances;

*WHEREAS*, the Commission has determined that the issuance of an Advisory Opinion to clarify the application of this statute to Indiana candidates and committees would be beneficial, pending legislative action to address Indiana Code 3-9-3-4;

*WHEREAS*, the Commission has determined that the Election Division should advise county election boards in accordance with Indiana Code 3-6-4.1-14(a)(4) regarding this matter;

**NOW, THEREFORE, THE INDIANA ELECTION COMMISSION ISSUES THE FOLLOWING ADVISORY OPINION:**

**SECTION 1.** This Advisory Opinion applies to a candidate's committee.

**SECTION 2.** Indiana Code 3-9-3-4(b), which provides that money received by a candidate as a contribution may not be used for primarily personal purposes by a candidate, does not prohibit the following actions if done in accordance with this Advisory Opinion:

- (1) The payment of a salary to the candidate.
- (2) The reimbursement of a candidate for lost wages.

**SECTION 3.** A candidate and a candidate's committee may execute a written contract providing that the committee will pay a salary to the candidate or a member of a candidate's household. The contract must:

- (1) state the obligations of the candidate and committee regarding the services to be rendered by the candidate or other individual;
- (2) state the basis for computation of the compensation for the candidate's or individual's services, meaning an hourly, daily, monthly, or other basis for the computation; and
- (3) be filed with each office in which the committee is required to file a report of receipts and expenditures (CFA-4 form) before any payment is made under the contract.

**SECTION 4.** A candidate and a candidate's committee may execute a written contract providing that the committee will reimburse the candidate for lost wages or salary payments from other employment incurred by the candidate as a result of services provided to the committee. The contract must:

- (1) state the employer and job position of the candidate subject to the reimbursement for lost wages or salary payments.
- (2) state the basis for computation of the candidate's lost wages or salary payments, including the hourly, daily, monthly, or other basis for the computation.
- (3) be filed with each office in which the committee is required to file a report of receipts and expenditures (CFA-4 form) before any payment is made under the contract.

**SECTION 5.** No reimbursement made under SECTION 4 may exceed the actual wages or salaries that would have been earned by the candidate in the candidate's regular employment.

**SECTION 6.** A candidate and a candidate's committee may not pay a salary or reimbursement in an amount that exceeds the amount specified under the contract unless the candidate first files a written amendment to the contract permitting the additional payment. The written amendment must be filed in the same office in which the original contract was filed.

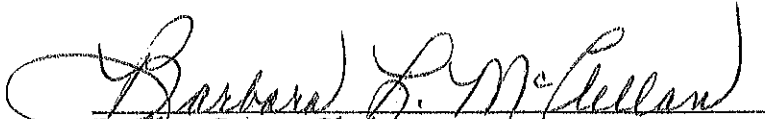
**SECTION 7.** In providing advice and instruction to candidates, political parties, county election boards, and other interested persons regarding the issues set forth in this Order, the Election Division shall refer to SECTIONS 1 through 4 of this Order and advise candidates, political parties, county election boards, and other interested persons to proceed accordingly until the matter is addressed by the Indiana General Assembly.

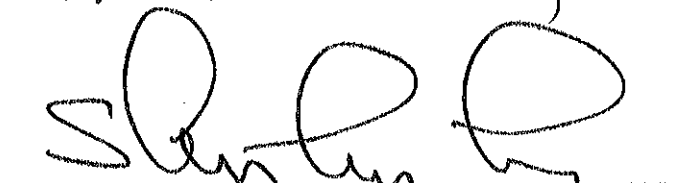
**SECTION 8.** The Commission respectfully recommends to the Indiana General Assembly that the policy set forth in this Advisory Opinion be codified by enacting appropriate remedial legislation.

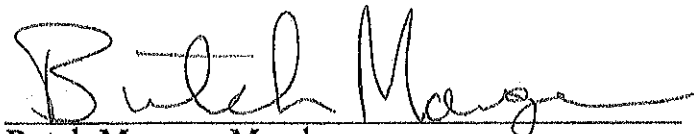
**SECTION 9.** The Commission directs the Election Division to promptly forward a copy of this Advisory Opinion to each county election board, and to the State Chairs of the Democratic, Libertarian, and Republican Party of Indiana.


ISSUED THE 27<sup>th</sup> DAY OF SEPTEMBER, 2001,

BY THE INDIANA ELECTION COMMISSION:

  
Barbara L. McClellan  
Dudley Cruea, Chairman

  
S. Anthony Long, Vice-Chairman

  
Butch Morgan, Member

  
Joseph M. Perkins, Jr., Member